

Application Serial No. 09/779,588
Amendment dated June 15, 2004
Reply to Office communication of May 18, 2004

REMARKS/ARGUMENTS

The amendments to claims 57 and 69 describe the lubricants generically to put them in the same format as the originally filed claims in parallel Application Serial No. 09/359,809 filed July 23, 1999, also being examined by examiner Toomer. The amendments also describe the coating as a "dispersion" of the superabsorbent polymer and the lubricant and the superabsorbent polymer as absorbing greater than 100 times its weight in water. The written description supports the claim to the dispersion at page 22, penultimate paragraph. Claim 58 and the last paragraph on page 22 support the amendment regarding the water absorbency of the superabsorbent polymer. Having recited the water absorbency of the superabsorbent polymer in independent claims 57 and 69, the amendments now delete this parameter from dependent claims 58 and 70, but leave the remaining description of the polymer regarding its ability to desorb water upon drying.

The amendment also cancels claims 81-85 without prejudice or disclaimer. These claims related to superabsorbent polymers that absorbed greater than 100 time their weight in water. Claims 57 and 69 now contain this parameter.

The Rejection under 35 U.S.C §112 First Paragraph and Traverse

The examiner rejects claims 61-68 regarding the terminology "substrate comprises a cable," "substrate comprises a wire," and the claims drawn to an additive which is a "binder." Applicant traverses the rejection and requests further consideration and reexamination.

Application Serial No. 09/779,588
Amendment dated June 15, 2004
Reply to Office communication of May 18, 2004

Pages 6-12 of the February 25, 2004 Brief on Appeal addresses all of the foregoing issues in detail, and applicant incorporates this part of the Brief by reference in response to the rejection.

The Rejection under 35 U.S.C. § 102 (b) and Traverse

The examiner rejects claims 57 and 69 under 35 U.S.C. § 102 (b) as anticipated by Geursen et al. WO 93 18233 ("Geursen"). Applicant traverses the rejection and requests further consideration and reexamination.

The examiner indicates that applicant's remarks in the February 25, 2004 Brief on Appeal distinguishing Geursen focus on the reference's failure to disclose a superabsorbent polymer that absorbs greater than 100 times its weight in water, whereas claims 57 and 69 do not recite this property. The amendments to these claims now address the water absorbency, specifying that the superabsorbent polymers absorb greater than about 100 times their weight in water. Applicant believes this avoids the rejection since claims 59, 70, and 81-85 originally included and still include this parameter. The examiner, however, did not reject them over Geursen.

The examiner rejects claims 57, 59, 61-69 and 73-85 under 35 U.S.C. § 102(b) as anticipated by Freeman, United States Patent No. 5,218,011. Applicant traverses the rejection and requests further consideration and reexamination.

Application Serial No. 09/779,588
Amendment dated June 15, 2004
Reply to Office communication of May 18, 2004

Freeman does not teach or suggest "dispersions" of lubricants and a superabsorbent polymer. The Patent and Trademark Office has allowed claims of this type in the application of Rebouillat et al. filed more than one year after the filing date of the present application.¹

The rejection Under 35 U.S.C. § 103 (a) and Traverse

The examiner rejects claims 58, 60, 70 and 72 under 35 U.S.C. § 103(a) as unpatentable over Freeman in view of Le-Khac, United States Patent No. 4,616,063. Applicant traverses the rejection and requests further consideration and reexamination.

Neither Freeman nor Le-Kach teach or suggest "dispersions" of lubricants and a superabsorbent polymer. Again, the Patent and Trademark Office has allowed claims of this type in the application of Rebouillat et al. filed more than one year after the filing date of the present application.²

CONCLUSIONS

Applicant requests the Examiner to withdraw the rejections in view of the foregoing amendments and remarks and pass the application to issue.

-
1. Application of Rebouillat et al., Ser. No. 10/317,575 filed 12/12/02; Electronic Publication No. 20030124350; Notice of Allowance 3/18/04; Issue Fee paid 4/12/04; patent not issued as of June 14, 2004.
 2. Application of Rebouillat et al., supra note 1.

Application Serial No. 09/779,588
Amendment dated June 15, 2004
Reply to Office communication of May 18, 2004

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

Dated: June 15, 2004

By: 
Robert J. Eichelburg Reg. No. 23,057

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 C.F.R. § 1.8 on the date indicated below and is addressed to the Commissioner for Patents, P.O. BOX 1450, Alexandria, Virginia 22313 -1450

Dated: June 15, 2004

By: 
Robert J. Eichelburg, Reg. No 23,057